

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: William MacLure	Team: Squad #6	CCRB Case #: 201707274	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 09/02/2017 9:45 PM	Location of Incident: § 87(2)(b)	Precinct: 81	18 Mo. SOL 3/2/2019	EO SOL 3/2/2019	
Date/Time CV Reported Wed, 09/06/2017 11:07 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 09/06/2017 11:07 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Michael Hansen	08736	938637	081 PCT
2. POM Alexander Morales	19469	943584	081 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Michael Hansen	Abuse: Police Officer Michael Hansen forcibly removed § 87(2)(b) to the hospital	§ 87(2)(g), § 87(4-b)
B.POM Alexander Morales	Abuse: Police Officer Alexander Morales forcibly removed § 87(2)(b) to the hospital	§ 87(2)(g), § 87(4-b)
C.POM Michael Hansen	Force: Police Officer Michael Hansen used physical force against § 87(2)(b)	§ 87(2)(g), § 87(4-b)
D.POM Alexander Morales	Force: Police Officer Alexander Morales used physical force against § 87(2)(b)	§ 87(2)(g), § 87(4-b)
E.POM Michael Hansen	Abuse: Police Officer Michael Hansen searched § 87(2)(b)	§ 87(2)(g), § 87(4-b)
F.POM Alexander Morales	Abuse: Police Officer Alexander Morales searched § 87(2)(b)	§ 87(2)(g), § 87(4-b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)

Case Summary

On September 6, 2017, § 87(2)(b) filed this complaint with the CCRB over the phone.

On September 2, 2017, at approximately 9:37 p.m., § 87(2)(b) entered a men's homeless shelter, located at § 87(2)(b) in Brooklyn. A security guard at the location instructed § 87(2)(b) to sit in a chair to wait to be assigned a bed. Approximately 15 to 20 minutes later, PO Michael Hansen and PO Alexander Morales of the 81st Precinct arrived at the location with EMT § 87(2)(b) and EMT § 87(2)(b). PO Hansen and PO Morales placed § 87(2)(b) into handcuffs and walked him to the ambulance. § 87(2)(b) refused to get into the ambulance. PO Hansen and PO Morales stood grabbed § 87(2)(b) by his shirt and pants on either side, picked him up off the ground, and threw him into the ambulance (**Allegations A and B: Abuse of Authority, § 87(2)(g) Allegations C and D: Force, § 87(2)(g) § 87(2)(b)** s chest, leg, and elbow landed on the floor of the ambulance. PO Hansen and PO Morales pushed § 87(2)(b) further into the ambulance, causing his knees to scrape against the floor (**subsumed under Allegations C and D**). Inside the ambulance, PO Hansen and PO Morales searched § 87(2)(b) s personal belongings and pockets (**Allegations E and F: Abuse of Authority, § 87(2)(g) § 87(2)(b)** was transported to § 87(2)(b) Medical and Mental Health Center. § 87(2)(g), § 87(4-b)

Video footage was obtained from the Department of Homeless Services (DHS) and can be found under Board Reviews 01. A transcription of the relevant video can be found under Board Review 02. A snag it of § 87(2)(b) being walked to the ambulance can be found under Board Review 03.

Findings and Recommendations

Allegation (A) Force: Police Officer Michael Hansen used physical force against § 87(2)(b)

Allegation (B) Force: Police Officer Alexander Morales used physical force against § 87(2)(b)

It is undisputed that § 87(2)(b) was forcibly removed to the hospital. § 87(2)(b) was interviewed at the CCRB on September 11, 2017 (Board Review 04). § 87(2)(b) stated that he went to the shelter located at § 87(2)(b) in Brooklyn, to obtain a bed. § 87(2)(b) had stayed at the shelter a few days prior, but did not have an assigned bed on the date of this incident. The shelter had a curfew of 10:00 p.m. § 87(2)(b) had approximately two beers approximately 30 minutes before this incident. He denied using any drugs prior to this incident. § 87(2)(b) could not remember a lot of details of this incident because he was devastated by this incident and a prior incident when he was removed to the hospital from the same shelter. When § 87(2)(b) arrived at the shelter, he placed his cell phone, cell phone adapter, and personal belongings through the x-ray scanner. § 87(2)(b) walked through the metal detector and collected his belongings. After walking through the metal detector, a security guard instructed § 87(2)(b) to sit in a chair in the lobby of the shelter, but § 87(2)(b) did not know why. § 87(2)(b) had an "altercation" or "misunderstanding" with the security guard because the security guard believed that § 87(2)(b) smelled like liquor. When asked to elaborate on his interaction with the security guard, § 87(2)(b) stated that he could not remember it clearly. § 87(2)(b) denied that he smelled like liquor at the time of the incident. Approximately 15 to 30 minutes after he arrived at the shelter, PO Hansen, PO Morales, EMT § 87(2)(b) and EMT § 87(2)(b)

arrived at the location. § 87(2)(b) stated that he was having a difficult time distinguishing between the officers and EMTs during the incident because they were all wearing blue uniforms. Initially the EMTs spoke to § 87(2)(b) but he refused to comply with them. PO Hansen and PO Morales placed § 87(2)(b) into handcuffs, but he did not remember how they did this. § 87(2)(b) did not remember if he resisted being placed into handcuffs. PO Hansen, PO Morales, and the EMTs walked § 87(2)(b) outside the shelter to the ambulance.

EMT § 87(2)(b) was interviewed at the CCRB on November 15, 2017 (Board Review 05). EMT § 87(2)(b) did not remember this specific incident very clearly because he responds to § 87(2)(b) in Brooklyn, for similar incident regularly. After viewing some of the surveillance video footage from the location starting at 21:69:59 (Board Reviews 01-03), EMT § 87(2)(b) stated that he vaguely remembered the incident. EMT § 87(2)(b) and his EMT § 87(2)(b) arrived at the location prior to officers. Upon arrival, § 87(2)(b) threatened EMT § 87(2)(b) and EMT § 87(2)(b) so they went back to the ambulance and called for officers to respond to the location. EMT § 87(2)(b) did not remember specifically what § 87(2)(b) was threatening, but stated that he was threatening to fight and cause harm to the EMTs and other civilians. EMT § 87(2)(b) could smell alcohol on § 87(2)(b)'s breath and § 87(2)(b) may have stated that he had been drinking. Approximately 10 minutes after EMT § 87(2)(b) and his partner requested officers to respond, PO Hansen and PO Morales arrived at the location. PO Hansen and PO Morales spoke with § 87(2)(b) and tried to get him to go to the hospital voluntarily, but ultimately placed him into handcuffs.

EMT § 87(2)(b) was interviewed at the CCRB on March 6, 2018 (Board Review 18). EMT § 87(2)(b) did not recall this incident as he responds to the shelter often to transport emotionally disturbed and intoxicated males to the hospital.

PO Hansen was interviewed at the CCRB on November 15, 2017 (Board Review 06). PO Hansen had no recollection of this incident and only knew that he was present because of his memo book entry (Board Review 07). PO Hansen responds to § 87(2)(b) in Brooklyn, often and could not remember this specific incident. PO Hansen did not recognize § 87(2)(b) when he was presented a photo of § 87(2)(b) taken at the CCRB on September 11, 2017 (Board Review 08). PO Hansen was presented with the EVENT regarding this incident (Board Review 09) and stated that the EVENT matched most calls at the shelter and therefore did not aid in his recollection of the incident. PO Hansen still did not recall this incident after viewing clips of the video obtained from DHS (Board Reviews 01-03).

PO Morales was interviewed at the CCRB on November 16, 2017 (Board Review 11). PO Morales' statement was consistent with PO Hansen's statement. PO Morales had no recollection of this specific incident and stated that he responds to the shelter three or four times a week for similar incidents. The video footage obtained from the DHS (Board Reviews 01-03) shows that EMTs responded to the location before officers and that § 87(2)(b) was acting disorderly and appeared intoxicated. From 21:11:30 to 22:10:30, in camera angles one, two, and three, § 87(2)(b) can be seen in a gray sweatshirt and gray sweatpants. § 87(2)(b) can be seen attempting to enter the lobby of the shelter multiple times, but is blocked by security workers. § 87(2)(b) appears intoxicated and loses his balance twice, at approximately 21:23:00 and 21:34:26, in camera angle two.

Confidential medical records obtained from § 87(2)(b) (Board Reviews 12 and 13). Medical records indicated that § 87(2)(b) was intoxicated, agitated, and noncompliant upon arrival at the hospital. § 87(2)(b) was discharged at § 87(2)(b) with a diagnosis of "other psychoactive substance use, unspecified, uncomplicated."

When a uniformed member of the service reasonably believes that a person who is apparently mentally ill or emotionally disturbed, must be taken into protective custody because the person is conducting himself in a manner likely to results in serious injury to himself or others, officers should restrain the individual and have the person removed to the hospital in an ambulance, Patrol Guide Procedure 221-13, “Mentally Ill or Emotionally Disturbed Persons” (Board Review 19).

§ 87(2)(g)

Allegation (C) Force: Police Officer Michael Hansen used physical force against § 87(2)(b)

Allegation (D) Force: Police Officer Alexander Morales used physical force against § 87(2)(b)

It is disputed whether or not PO Hansen and PO Morales used physical force against § 87(2)(b)

§ 87(2)(b) (Board Review 04) walked to the ambulance with the officers and EMTs. When they got to the ambulance, the back door was open. The officers instructed § 87(2)(b) to get into the ambulance. § 87(2)(b) refused and told the officers that he did not want to get into the ambulance. PO Hansen and PO Morales grabbed § 87(2)(b)'s pant legs and his shirt from both sides, lifted him up off the ground, and threw § 87(2)(b) into the back of the ambulance. § 87(2)(b)'s chest, legs, and elbow hit the floor of the ambulance. § 87(2)(b) stated that he relaxed all of his muscles when the officers lifted him up because he was being moved against his will. After throwing § 87(2)(b) into the ambulance, PO Hansen and PO Morales pushed § 87(2)(b) further into the ambulance, causing his knees to scrape against the floor of the ambulance. The officers pushed § 87(2)(b) into the ambulance until he was in far enough that they could close the door.

EMT § 87(2)(b) (Board Review 05) stated that, when they got to the ambulance, § 87(2)(b) was fighting the EMTs and officers, kicking, and preventing them from placing him into the ambulance. When asked how they overcame § 87(2)(b)'s resistance, EMT § 87(2)(b) stated, “I guess inch by inch, slowly we got him closer and closer into the ambulance, and then once we got him to lay down that was it. We strapped him in and went to the hospital.” EMT § 87(2)(b) did not remember the officers grabbing § 87(2)(b) by his shirt and throwing him into the ambulance. EMT § 87(2)(b) did not remember the officers pushing § 87(2)(b) further into the ambulance while he was face down on the floor of the ambulance. EMT § 87(2)(b) stated that the officers probably picked § 87(2)(b) up and carried him into the ambulance. EMT § 87(2)(b) stated that § 87(2)(b) was fighting the officers and EMTs to get into the ambulance, but that he stopped fighting once he was inside the ambulance. EMT § 87(2)(b) rode in the back of the ambulance with § 87(2)(b).

As noted previously, EMT § 87(2)(b) had no recollection of this incident (Board Review 18).

PO Hansen (Board Review 06) did not remember picking § 87(2)(b) up by his shirt and pants with PO Morales, and throwing § 87(2)(b) into the ambulance. PO Hansen did not have any

As noted above, PO Hansen (Board Review 06) did not have any recollection of this incident. When asked if he searched § 87(2)(b) PO Hansen reiterated that he did not remember the incident. PO Hansen stated that someone would be searched before being transported to the hospital if they were displaying violent behavior, if they had something resembling a weapon in their pocket, or if they were arrested.

PO Morales (Board Review 11) stated that there were no circumstances under which someone would be searched prior to being transported to the hospital. As noted above, PO Morales did not remember this incident.

The video from DHS (Board Reviews 01-03) did not capture § 87(2)(b) being searched at any point and does not capture the inside of the ambulance.

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- This was § 87(2)(b)'s first complaint at the CCRB (Board Review 16).
- PO Hansen has been a member of the NYPD for 12 years and had one allegation of physical force in CCRB case number 201400382, which was unsubstantiated.
- PO Morales has a total of eight allegations stemming from three complaints over his 11 year tenure with the NYPD, with no substantiated allegations. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation because § 87(2)(b) alleged physical injuries related to this incident.

- § 87(2)(b);§§ 86(1)(3)(4);§ 87(2)(c)
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Squad No.: _____

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date
Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date
Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date